

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7829

BILL NUMBER: SB 562

DATE PREPARED: Jan 12, 1999

BILL AMENDED:

SUBJECT: Fireworks regulation.

FISCAL ANALYST: Beverly Holloway

PHONE NUMBER: 232-9851

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill prohibits the use of fireworks in privately owned campsites or campgrounds and on any state owned property under the jurisdiction of the Department of Natural Resources. It provides local law enforcement with the authority to assist in the enforcement of fireworks regulations in and around campgrounds.

Effective Date: Upon passage.

Explanation of State Expenditures: 310 IAC 5-1-10(m) states that it is unlawful to possess fireworks at all time in the camping areas which are under the jurisdiction of the Department of Natural Resources (DNR). The DNR has 9,685 campsites under its jurisdiction. Currently the DNR requires individuals to obtain a special permit to release fireworks on property under its jurisdiction. This bill prohibits the use of fireworks on any state owned property under the jurisdiction of the DNR.

The State Fire Marshal is charged with the responsibility of enforcing this new provision. This can be done within the existing budget and no additional appropriations are required.

Explanation of State Revenues: A person found in violation of this new prohibition commits a Class A Misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: This bill allows local law enforcement to enforce the provisions of this bill at privately owned campsites and campgrounds as well as at state owned property under the

jurisdiction of the DNR. The fiscal impact of this provision is indeterminable and dependent on local action.

A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Natural Resource; State Fire Marshal.

Local Agencies Affected: Trial courts; Local law enforcement agencies.

Information Sources: Carrie Bales, Department of Natural Resources, (317) 232-6738.